

**REMARKS**

Allowance of subject claims 3-4 is respectfully requested. Claims 1 and 2 have been cancelled. Support for new claim 4 can be found at page 4, lines 15-34. Support for new claim 5 can be found at page 3, lines 22-24.

**First Rejection Under 35 U.S.C. 102**

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by EP 357 185.

Claim 1 has been cancelled, so the rejection is moot.

**Second Rejection Under 35 U.S.C. 102**

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by US 5,035,943 to Kinlaw et al (Kinlaw).

Claim 1 has been cancelled, so the rejection is moot.

**Rejection Under 35 U.S.C. 103**

Claims 2-3 are rejected under 35 U.S.C. 103 as being unpatentable for obviousness over Kinlaw in view of US 4,229,472 to Suskind et al (Suskind). Claim 2 has been cancelled, so the rejection is moot as to that claim.

In relation to claim 3, the Examiner notes that Kinlaw is silent as to the utility of a shoe upper material, but offers Suskind as describing a shoe upper material. However, Suskind only discloses a polyurethane coating on a fibrous base sheet that is likewise made of polyurethane. There is no disclosure of a polyurethane/nonwoven structure. As such, there would be no motivation to combine these references to arrive at the subject matter of claim 3. It is further noted that Suskind does not disclose a polyvinyl chloride /nonwoven structure for use as a shoe upper.

A prima facie case of obviousness has not been established, therefore, it is respectfully submitted that the rejection is improper and should be withdrawn.

**CONCLUSION**

The foregoing is believed to be a full and complete response to the outstanding Office Action. It is further believed that any basis for the rejections have been overcome and therefore Claims 3 and 4 should be allowed. If any matters remain for resolution, the Examiner is encouraged to call the undersigned.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



**FREDERICK D. STRICKLAND**  
ATTORNEY FOR APPLICANT  
Registration No.: 39,041  
Telephone: (302) 892-7940  
Facsimile: (302) 892-7343

Dated: 11/25/03  
FDS:fgl  
Enclosures